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8 **UNITED STATES DISTRICT COURT**  
9 **CENTRAL DISTRICT OF CALIFORNIA**  
10

11 *		)	CASE NO. SA CV*-JVS(*x)
12	Plaintiff(s),	)	ORDER SETTING RULE 26(f)
13	v.	)	SCHEDULING CONFERENCE
14 *		)	
15	Defendant(s).	)	Date: *
16		)	Time: 1:30 p.m.
17	<hr/>		

18  
19 This case has been assigned to Judge James V. Selna. If plaintiff has  
20 not already served the complaint (or any amendment thereto) on all defendants,  
21 plaintiff shall promptly do so and shall file proofs of service within three days  
22 thereafter. Defendants also shall timely serve and file their responsive pleadings  
23 and file proofs of service within three days thereafter.  
24

25 This matter is set for a scheduling conference on the above date. The  
26 conference will be held pursuant to Fed.R.Civ.P., Rule 16(b). The parties are  
27 reminded of their obligations under Fed.R.Civ.P., Rule 26(a)(1) to disclose  
28 information (without awaiting a discovery request) and under Rule 26(f) to confer  
on a discovery plan not later than twenty-one (21) days prior to the scheduling

1 conference and to file a report with the Court entitled “Joint Rule 26(f) Report”  
2 not later than fourteen (14) days after they confer. Failure to comply with the  
3 following requirements or to cooperate in the preparation of the Joint Rule 26(f)  
4 Report may lead to the imposition of sanctions.

5  
6 **Unless there is a likelihood that upon motion by a party the**  
7 **Court would order that any or all discovery is premature, it is advisable for**  
8 **counsel to begin to conduct discovery actively before the Scheduling**  
9 **Conference. At the very least, the parties shall comply fully with the letter**  
10 **and spirit of Rule 26(a) and thereby obtain and produce most of what would**  
11 **be produced in the early stage of discovery, because at the Scheduling**  
12 **Conference the Court will impose tight deadlines to complete discovery.**

13  
14 **1. Joint Rule 26(f) Report.**

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16 The Joint Rule 26(f) Report, which shall be filed not later than one  
17 week before the scheduling conference, shall be drafted by plaintiff (unless the  
18 parties agree otherwise), but shall be submitted and signed jointly. “Jointly”  
19 contemplates a single report, regardless of how many separately-represented  
20 parties there are. The Joint Rule 26(f) Report shall report on all matters  
21 enumerated below, which include those required to be discussed by Rule 26(f)  
22 and Local Rule 26:

- 23  
24 a. Synopsis: a short synopsis (not to exceed two pages) of the main  
25 claims, counterclaims, and/or affirmative defenses.  
26 b. Legal issues: a brief description of the **key legal issues**.  
27 c. Damages: the realistic range of provable damages.  
28

- 1 d. Insurance: whether there is insurance coverage, the extent of  
2 coverage, and whether there is a reservation of rights.
- 3 e. Motions: a statement of the likelihood of motions seeking to (i) add  
4 other parties or claims or (ii) file amended pleadings or (iii) transfer  
5 venue.
- 6 f. Discovery and experts: pursuant to Rule 26(f), state what, if any,  
7 changes in the disclosures under R. 26(a) should be made; the  
8 subjects on which discovery may be needed and whether discovery  
9 should be conducted in phases or otherwise be limited; what  
10 discovery has been conducted thus far; whether applicable  
11 limitations should be changed or other limitations imposed; and  
12 whether the Court should enter other orders. Please state how many  
13 depositions each side will conduct. Also discuss the proposed time  
14 of expert witness disclosures under F.R.Civ.P. 26(a)(2).
- 15 g. Dispositive motions: a description of the issues or claims that any  
16 party believes may be determined by motion for summary judgment  
17 or motion *in limine*.
- 18 h. Settlement and settlement mechanism: a statement of what  
19 settlement discussions and/or written communications have occurred  
20 **(specifically excluding any statement of the terms discussed)** and  
21 a statement pursuant to the Local Rule 16-14.4 selecting a settlement  
22 mechanism under that rule. Note: option 4 is no longer available.
- 23 i. Trial estimate: a realistic estimate of the time required for trial and  
24 whether trial will be by jury or by court. Each side should specify  
25 (by number, not by name) how many witnesses it contemplates  
26 calling. If the time estimate for trial given in the Rule 26(f) Joint  
27 Report exceeds eight court days, counsel shall be prepared to discuss  
28 in detail the estimate.

- 1           j.     Timetable: complete of the Presumptive Schedule of Pretrial Dates  
2               form attached as Exhibit A to this Order and attach it to the Rule  
3               26(f) report. The current entries in the “Weeks Before Trial” column  
4               merely reflect what the Court believes are appropriate for many, if  
5               not most, cases; those entries are not necessarily applicable to this  
6               case, and the form is designed to enable counsel to request the Court  
7               to set different last dates by which the key requirements must be  
8               completed. Each side should write in the month, day and year it  
9               requests for each event. *E.g.*, for the expert discovery cut-off it  
10              might be “10/7/02” for plaintiff and “10/28/02” for defendant, if they  
11              cannot agree. At the conference, the Court will review this form  
12              with counsel. Each entry proposing dates shall fall on a Monday,  
13              except the trial date which is a Tuesday. In appropriate cases the  
14              Court will order different dates after it hears from Counsel. The  
15              proposed non-expert and expert discovery cut-off date means: the  
16              last day by which all depositions must be completed and responses to  
17              all previously-served written discovery must be provided. The  
18              proposed cut-off date for motions means: the last date on which  
19              motions may be heard, not noticed.
- 20          k.     Other issues: a statement of any other issues affecting the status or  
21               management of the case (*e.g.*, unusually complicated technical or  
22               technological issues, disputes over protective orders, extraordinarily  
23               voluminous document production, non-English speaking witnesses,  
24               discovery in foreign jurisdictions, etc.).
- 25          l.     Conflicts: for conflict purposes, corporate parties must identify all  
26               subsidiaries, parents and affiliates.
- 27          m.     Patent cases: propose dates and methodology for claim construction  
28               and *Markman* hearings. The Court intends to follow the rule for

1 patent cases which have been adopted by the Northern District of  
2 California.

- 3 n. Magistrates: Do the parties wish to have a Magistrate Judge preside?  
4 Under 28 U.S.C. § 636, the parties may consent to have a Magistrate  
5 Judge preside over all the proceedings, not just discovery. They may  
6 pick *any* Magistrate Judge (not just the one assigned to this case)  
7 from among those Magistrate Judges who accept these designations.  
8 (They are identified on the Central District's website, which also  
9 contains the consent form.)

10  
11 The Joint Rule 26(f) Report should set forth the above enumerated information  
12 under section headings corresponding to this Order.

13  
14 **2. Scheduling Conference.**

15  
16 Scheduling Conferences will be held in the Ronald Reagan Building,  
17 411 West Fourth Street, Court Room 10C, Santa Ana. Counsel shall comply with  
18 the following:

- 19  
20 a. Participation. The lead trial attorney **must** attend the Scheduling  
21 Conference, unless excused for good cause shown in advance of the  
22 Scheduling Conference.  
23 b. Continuance. A continuance of the Scheduling Conference will be  
24 granted only for good cause.

1           **3.     Protective Orders.**

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3           Whether sought by stipulation or motion, proposed protective orders  
4 should be presented to the assigned Magistrate Judge.

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6           **4.     Notice to be Provided by Counsel.**

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8           Plaintiff's counsel or, if plaintiff is appearing *pro se*, defendant's  
9 counsel, shall provide this Order to any parties who first appear after the date of  
10 this Order and to parties who are known to exist but have not yet entered  
11 appearances.

12  
13           **5.     Disclosures to Clients.**

14  
15           Counsel are ordered to deliver to their respective clients a copy of this  
16 Order and of the Court's Scheduling and Case Management Order, which contains  
17 the schedule that the Court sets at the Scheduling Conference.

18  
19           **6.     Court's Website.**

20  
21           Copies of this and all other orders of this Court that may become  
22 applicable to this case are available on the Central District of California website,  
23 at "www.cacd.uscourts.gov," under "Judge's Procedures and Schedules." Copies  
24 of the Local Rules are available on the website.<sup>1</sup>

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<sup>1</sup> They may also be purchased from one of the following:

27           Los Angeles Daily Journal  
28           915 East First Street

            West Publishing Company  
            50 West Kellogg Blvd.

            Metropolitan News  
            210 South Spring Street

1 The Court thanks the parties and their counsel for their anticipated  
2 cooperation in carrying out these requirements.

3  
4 IT IS SO ORDERED.

5  
6 Dated: \_\_\_\_\_

\_\_\_\_\_  
James V. Selna  
United States District Judge

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8 Copies to:  
9 All Counsel of Record  
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St. Paul, MN 55164-9979

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